



CHAPTER xlix.

An Act to confer further powers on the Tyne Improvement Commissioners and for other purposes. A.D. 1929.
[10th May 1929.]

WHEREAS by the Tyne Improvement Acts 1850 to 1927 (in this Act referred to as "the existing Acts") the Tyne Improvement Commissioners (in this Act called "the Commissioners") were constituted and incorporated and empowered to execute extensive works for the improvement of the river Tyne within the limits of the port of Newcastle-upon-Tyne and to construct and maintain docks piers and other works :

And whereas the existing Acts have conferred or imposed on the Commissioners various powers duties and obligations with reference to the improvement and maintenance of the port and the conservancy improvement and maintenance of the river Tyne within the limits of the port and it is expedient for the purpose of better enabling the Commissioners to carry out and fulfil their statutory powers and duties and obligations to enlarge their powers with respect to the construction acquisition leasing and disposal of works and other property the acquisition of lands and the control of works affecting the river :

And whereas it is expedient to extend the time limited for the completion of works authorised by the existing Acts :

And whereas the Commissioners have by the existing Acts been empowered to borrow on mortgage and by the creation and issue of debenture stock and of Tyne

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Improvement redeemable stock on the security of the Tyne Consolidated Fund the total sum of £4,800,000 and in exercise of that power have borrowed sums amounting on the thirty-first day of December nineteen hundred and twenty-eight to £4,790,848, leaving the sum of £9,152 remaining on the thirty-first day of December nineteen hundred and twenty-eight to be so borrowed as aforesaid :

And whereas by the Tyne Improvement Act 1898 the Commissioners are required to redeem within sixty years from the passing of that Act all money borrowed by them on mortgage or by the creation and issue of debenture stock or stock as aforesaid and in pursuance of that requirement they had as at the thirty-first day of December nineteen hundred and twenty-eight appropriated to a redemption fund the total sum of £1,109,128. but they are not empowered to re-borrow money redeemed out of the redemption fund :

And whereas it is expedient to authorise the Commissioners to borrow further money as by this Act provided :

And whereas by the existing Acts certain priorities were conferred on mortgages granted by the Commissioners before the passing of the Tyne Improvement Act 1881 but none of these mortgages are now outstanding and all the existing mortgages granted by the Commissioners and all stock (other than debenture stock) created and issued by them rank *pari passu* and their power to create and issue further debenture stock was repealed by the Tyne Improvement Act 1886 :

And whereas it is expedient to authorise the Commissioners to levy tolls on passengers embarking or disembarking on or from vessels at the docks quays and other works of the Commissioners :

And whereas by two deeds of transfer each dated the eleventh day of October eighteen hundred and eighty-three and made between the Commissioners of the one part and the Corporation of the Trinity House of Newcastle-upon-Tyne of the other part (one of which said deeds is scheduled to and confirmed by the Tyne Improvement Act 1886) the said Trinity House transferred to the Commissioners as from the thirty-first day of December eighteen hundred and eighty-two certain lighthouses buoys and beacons (including two lighthouses at North

Shields known as the High and Low Lighthouses) and all lightage rates and duties and all buoys and beacons rates and duties which the said Trinity House were entitled to levy or recover under the local Act 41 Geo. III cap 86 intituled "An Act for extending and enlarging the powers and increasing the rates and duties of the Corporation of the Trinity House of Newcastle-upon-Tyne and for better regulating the Port of Newcastle":

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And whereas since the year 1882 the Commissioners have been the lighting authority of the port and have provided additional lighthouses lights buoys and beacons but the lightage rates and duties so transferred to the Commissioners as aforesaid are leviabie only in respect of the expense of supporting maintaining and keeping in repair the said High and Low Lighthouses at North Shields and it is expedient to authorise the levying by the Commissioners of consolidated harbour lights buoys and beacons dues in respect of the provision and maintenance of all or any lighthouses lights buoys and beacons for the time being maintained by them :

And whereas by section 12 of the Tyne Improvement Act 1920 the Commissioners are empowered to stop up and discontinue two footpaths near Trow Quarry in the parish of Harton in the county of Durham but the stopping up of one of those footpaths viz. the footpath leading from Rock House to Frenchman's Bay is conditional on the Commissioners constructing a new footpath referred to in the said section 12 and pending its completion permitting all persons (if any) having rights of way over the said existing footpath to cross certain properties of the Commissioners referred to in that section :

And whereas the construction of the said new footpath and the continuance of public rights of access across the said properties of the Commissioners have been rendered unnecessary by the construction by the South Shields Corporation and the South Shields Rural District Council of a new public road and it is expedient to repeal the said conditions in section 12 of the said Act of 1920 and to authorise the Commissioners to stop up the said existing footpath free from such conditions :

And whereas it is expedient that further powers be conferred on the Commissioners as by this Act provided and that the other provisions of this Act be enacted :

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And whereas the objects of this Act cannot be attained without the authority of Parliament :

May it therefore please Your Majesty that it may be enacted and be it enacted by the King's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows (that is to say) :—

PART I.

GENERAL.

Short and collective titles.

1.—(1) This Act may be cited as the Tyne Improvement Act 1929.

(2) The Tyne Improvement Acts 1850 to 1927 and this Act may be cited together as the Tyne Improvement Acts 1850 to 1929.

Act divided into Parts.

2. This Act is divided into Parts as follows :—

Part I.—General.

Part II.—Works and lands.

Part III.—Financial.

Part IV.—Miscellaneous.

Incorporation of Harbours Docks and Piers Clauses Act 1847.

3. The Harbours Docks and Piers Clauses Act 1847 (so far as applicable for the purposes of this Act and not varied by or inconsistent with this Act or the existing Acts) is incorporated with and forms part of this Act Provided that—

(a) Sections 16 to 19 of the said Act of 1847 shall not be incorporated with this Act or apply to the Commissioners unless and except only so far as the Commissioners shall be required by the Board of Trade to provide and maintain a lifeboat and tide and weather gauge ;

(b) In the application of the said Act of 1847 to this Act the expressions " packet boat " and " Post Office packet " used in the first-mentioned Act shall mean respectively a vessel employed by or under the Post Office or the Admiralty for the conveyance under contract of postal packets as defined by the Post Office Act 1908 and the expression " Post Office bag of letters "

shall mean a mail bag as defined by the same Act; A.D. 1929.

- (c) Nothing in the said Act of 1847 or this Act shall extend to exempt from rates or duties any such vessel as aforesaid if she also conveys passengers or goods for hire;
- (d) Section 23 of the said Act of 1847 shall in its application to the Commissioners have effect as if the proviso to that section were omitted therefrom;
- (e) Section 50 of the said Act of 1847 shall in its application to the Commissioners have effect as if the words "three months" were inserted therein instead of the words "one month."

4. The provisions of the Commissioners Clauses Act 1847 which by section 3 of the Act of 1925 are deemed to be incorporated with each of the Tyne Improvement Acts 1850 to 1925 are (subject to the provisions of the existing Acts and this Act and so far as not varied by or inconsistent with those Acts or any of them) hereby incorporated with this Act so far as applicable to the purposes of this Act. Incorporation of Commissioners Clauses Act 1847.

5. The Lands Clauses Acts (as modified by the Acquisition of Land (Assessment of Compensation) Act 1919) except the provisions thereof with respect to the purchase and taking of lands otherwise than by agreement and the entry upon lands by the promoters of the undertaking and except sections 127 to 131 of the Lands Clauses Consolidation Act 1845 are (subject to the provisions of the existing Acts and this Act and so far as not varied by or inconsistent with those Acts or any of them) hereby incorporated with this Act so far as applicable to the purposes of this Act. Incorporation of Lands Clauses Acts.

6. In this Act unless the subject or context otherwise requires— Definitions.

Words and expressions to which meanings are assigned by the Lands Clauses Acts or by the Harbours Docks and Piers Clauses Act 1847 have the same respective meanings except as otherwise in this Act expressly provided;

"The Act of 1852" "the Act of 1857" "the Act of 1861" "the Act of 1866" "the Act of

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1867 " " the Act of 1872 " " the Act of 1877 " " the Act of 1881 " " the Act of 1886 " " the Act of 1897 " " the Act of 1919 " " the Act of 1920 " and " the Act of 1925 " respectively mean the Tyne Improvement Acts of those respective years;

"The existing Acts" means the Tyne Improvement Acts 1850 to 1927;

"The river" "the port" "vessel" and "owner" have the same respective meanings as in the Act of 1925;

"The Minister" means the Minister of Transport;

"High-water mark" means high-water mark of ordinary spring tides.

PART II.

WORKS AND LANDS.

General powers as harbour and conservancy authority.

7.—(1) The Commissioners for the purpose of fulfilling the duties and obligations and exercising and performing the rights and powers imposed or conferred on them as the harbour authority and the conservancy authority for the port and the river by the existing Acts and this Act may do all or any of the following things:—

(a) construct or provide on any lands for the time being belonging to them and equip maintain and manage any quays wharves and similar works and any staiths stairs walls approaches roads entrances sewers drains culverts buildings apparatus and other works and conveniences in connection therewith or in connection with any docks jetties piers or other works which the Commissioners are by any Act or Order authorised to construct or maintain on those lands;

(b) acquire or take on lease by agreement and maintain manage work carry on and use any dock quay wharf pier jetty staith warehouse shed or other work building or convenience or any trade or shipping facility situate within or adjoining the port and may subject to the terms conditions and reservations on which any such work building convenience or facility

has been so acquired or taken on lease alter
improve enlarge or remove and discontinue the
work building convenience or facility; A.D. 1929.

(c) acquire by agreement and carry on any under-
taking affording or intended to afford accom-
modation or facilities for the loading unloading
or warehousing of goods in the port.

(2) Any work building convenience facility or under-
taking constructed provided acquired or taken on lease
by the Commissioners under the powers of this section
shall while belonging or leased to the Commissioners be
deemed for the purposes of any dues rates tolls and
charges leviable by the Commissioners and for all other
purposes whatsoever to be part of the undertaking of the
Commissioners authorised by the existing Acts and this
Act.

(3) Nothing in this section shall exonerate the
Commissioners from any action indictment or other
proceeding for nuisance if any nuisance be caused or
permitted by them.

8. In addition to any other lands which the Com-
missioners are by the existing Acts or this Act or any
Act incorporated therewith respectively authorised to
take hold and use they may for any purposes of their
undertaking acquire by agreement or take on lease and
hold and use any further lands not exceeding in the
whole two hundred acres. Additional
lands.

9. The Commissioners may notwithstanding any-
thing in the existing Acts or this Act or in the Lands
Clauses Acts or in the Harbours Docks and Piers Clauses
Act 1847 retain and hold or lease or otherwise dispose
of any lands for the time being belonging to or vested
in them and which were acquired by them under any
of the powers of this Act and which they may consider
unnecessary for the purposes of the existing Acts or this
Act to such persons and for such considerations and on
such terms and conditions and in cases of leases for such
periods as they may think fit. Power to
retain lease
&c. lands.

10. The time limited by any of the existing Acts
for the completion of any of the works authorised by
any of those Acts is hereby extended until the expiration
of ten years from the passing of this Act and the existing
Acts shall be read and have effect accordingly. Extension of
time for
completion
of works.

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PART III.

FINANCIAL.

Power to
borrow.

11.—(1) In addition to the sums which the Commissioners are by the existing Acts authorised to borrow (whether on mortgage or by the creation and issue of Tyne Improvement redeemable stock or otherwise) they may from time to time (subject to the provisions of this Part of this Act) borrow on the security of the Tyne Consolidated Fund in manner hereinafter provided any sums not exceeding in the aggregate two million two hundred thousand pounds.

(2) All money borrowed under this section shall be carried to the Tyne Consolidated Fund and may be applied to any purposes of the existing Acts or this Act to which purposes capital is properly applicable and not otherwise.

Power to
mortgage
Tyne Con-
solidated
Fund.

12.—(1) The Commissioners may for the purpose of raising any money which under the immediately preceding section of this Act they are authorised to borrow mortgage the Tyne Consolidated Fund in order to secure the repayment of the money so borrowed and the interest thereon.

(2) The interest on all money borrowed on mortgage of the Tyne Consolidated Fund shall be paid out of the income of that fund.

(3) The provisions of section 18 (Protection of lenders from inquiry) and section 21 (Mortgages and transfers may be in prescribed forms) of and the Second Schedule to the Act of 1872 and section 6 (Power to grant mortgages on condition of future mortgages having equality therewith) of the Act of 1881 shall apply to and with respect to all money borrowed on mortgage under this section in like manner as those provisions apply to money borrowed on mortgage under the existing Acts and as if those sections and schedule with any necessary modifications were re-enacted in this Act.

Appoint-
ment of a
receiver.

13.—(1) The mortgagees of the Commissioners may enforce payment of arrears of interest or principal or principal and interest due on their mortgages by the appointment of a receiver of the Tyne Consolidated Fund In order to authorise the appointment of a receiver in

respect of arrears of principal the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than ten thousand pounds in the whole. A.D. 1929.

(2) The sections of the existing Acts hereinafter mentioned and any other provisions of the existing Acts authorising the appointment of a receiver by the mortgagees of the Commissioners are hereby repealed without prejudice to any appointment made before or proceedings pending at the passing of this Act. The sections of the existing Acts before referred to are—

The Act of 1852 section 61;

The Act of 1857 section 50;

The Act of 1861 section 37;

The Act of 1866 section 4;

The Act of 1867 section 30;

The Act of 1872 section 23.

14.—(1) Subject to the provisions of this Part of this Act the Commissioners may from time to time for the purpose of— Power to create and issue stock.

- (i) raising any money which they are authorised to borrow by the section of this Act of which the marginal note is "Power to borrow";
- (ii) paying off any money for the time being owing under any mortgages granted under the provisions of this Part of this Act; and
- (iii) redeeming any stock created and issued under this section;

create and issue by public tender or otherwise redeemable stock to the amount required for those purposes or any of them.

(2) All or any such stock may be issued at such prices at such times and on and subject to such terms and conditions and bearing such rates of interest as the Commissioners shall by resolution determine.

(3) All stock created and issued under this section and the interest thereon shall be a charge on the Tyne Consolidated Fund.

(4) All stock created and issued under this section shall be redeemable by the Commissioners at par (viz. at the rate of one hundred pounds sterling for every nominal amount of one hundred pounds stock) and at

A.D. 1929. — such time and in such manner as the Commissioners may by the resolution for the creation of any portion of the stock declare with reference to that portion Provided that—

- (a) every portion of stock so created and issued shall be redeemed by the Commissioners within sixty years from the passing of this Act; and
- (b) nothing in this section shall prevent the Commissioners from redeeming any stock at a price below par by agreement with the holder of such stock.

(5) Sections 8 10 to 36 (inclusive) 38 to 41 (inclusive) and 43 of the Act of 1897 and the two schedules to that Act shall extend and apply to and with respect to all stock created and issued under this Part of this Act and the holders of that stock in like manner as they apply to and with respect to stock created and issued under the Act of 1897 and the holders thereof as if those sections with any necessary modifications were re-enacted in this Act and particularly but not exclusively as if—

- (a) references to section 20 of the Act of 1872 were references to the section of this Act of which the marginal note is “Redemption fund”; and
- (b) the expression “Tyne Improvement Acts” included all Acts from time to time relating to the Commissioners.

Mortgages
and stock to
rank pari
passu.

15.—(1) All mortgages granted by the Commissioners under the powers of any of the existing Acts or this Part of this Act and all stock at any time and from time to time created and issued under Part II of the Act of 1897 and this Part of this Act shall rank pari passu without respect to the dates of the securities or the Acts of Parliament or resolutions by which the mortgages and stock were respectively authorised and without any preference or priority on any ground whatsoever.

(2) The interest on all such mortgages and stock as aforesaid shall also rank pari passu. Notice of the effect of this enactment shall be endorsed on all mortgages and certificates of stock granted or issued after the passing of this Act.

(3) Nothing in this section shall affect any right of priority existing at the passing of this Act and attaching to the principal or interest of any debenture stock created and issued by the Commissioners under the powers of section 22 (Power to create debenture stock) of the Act of 1877 and outstanding at the passing of this Act.

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(4) Section 5 (Stock to rank equally) of the Act of 1897 is hereby repealed and the reference to that section in section 33 of that Act shall be construed as a reference to subsections (1) and (2) of this section.

16. Section 7 (Order of repayment to be decided by lot) of the Act of 1897 shall apply to all mortgages and stock (other than debenture stock) which shall have been or shall hereafter be granted or created and issued by the Commissioners and shall be construed as though the word "stock" in that section included stock created and issued both under this Part of this Act and under Part II of the Act of 1897.

Order of
repayment
to be
decided by
lot.

17. All money raised or to be raised by the Commissioners on mortgage or by the creation or issue of stock under the provisions of the existing Acts or this Act shall have priority against the Commissioners and the property from time to time of the Commissioners over all other claims on account of any debts incurred or engagements entered into by them after the passing of this Act. Provided that this priority shall not affect any claim against the Commissioners or their property in respect of any rentcharge granted or to be granted by them in pursuance of the Lands Clauses Acts or in respect of any rent or sum reserved by or payable under any lease granted or made to the Commissioners which is entitled to rank in priority to or pari passu with the interest on their mortgages or stock nor shall anything in this section affect any claim for land taken used or occupied by the Commissioners for the purposes of their undertaking and works or injuriously affected by the construction thereof or by the exercise of any powers conferred on the Commissioners.

Priority of
mortgages
and stock
over other
debts.

18.—(1) The Commissioners shall from time to time at yearly half-yearly or other intervals appropriate out of the income of the Tyne Consolidated Fund to a redemption fund such sums as (with any accumulations

Redemption
fund.

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thereof) will be sufficient to pay off within sixty years from the passing of this Act all money borrowed by them on mortgage or by the creation and issue of stock under this Part of this Act.

(2) The Commissioners shall apply from time to time all money so appropriated (with any accumulations thereof) in paying off from time to time by annual instalments or otherwise money borrowed by them as aforesaid so that all money so borrowed shall be paid off within the said period of sixty years :

Provided that it shall not be obligatory on them to make any appropriation under this section until after the expiration of ten years from the passing of this Act.

(3) The Commissioners shall not re-borrow any money paid off by means of appropriations under this section but subject thereto may from time to time as occasion requires re-borrow on mortgage or by the creation and issue of stock any money borrowed by them under this Part of this Act and paid off.

(4) Section 20 (Payment off and re-borrowing) of the Act of 1872 as amended by subsequent Acts shall not apply to any money by this Act authorised to be borrowed.

Return to
Minister
with respect
to redemp-
tion.

19.—(1) The secretary shall if and when he is requested by the Minister so to do send to the Minister a return showing the sums appropriated by the Commissioners in pursuance of section 20 of the Act of 1872 as amended by subsequent Acts and of the immediately preceding section of this Act.

(2) The return shall show such particulars and shall be made up to such date and in such form as the Minister shall request and shall if so required by him be verified by statutory declaration of the secretary and shall be sent within one month after the making of the request. If the secretary fail to make such return he shall for each offence be liable to a penalty not exceeding twenty pounds to be recovered by the Minister in a court of summary jurisdiction and notwithstanding the recovery of such penalty the making of the return shall be enforceable by writ of mandamus to be obtained by the Minister out of the High Court.

(3) If it appears to the Minister by such a return as aforesaid or otherwise that the Commissioners have

failed to make any such appropriation as is required by section 20 of the Act of 1872 and the immediately preceding section of this Act the Minister may by order direct that the sum in such order mentioned not exceeding the amount in respect of which the default has been made shall be paid or applied in the manner and by the date in such order mentioned and the Commissioners shall notify the Minister as soon as the order is complied with and any such order shall be enforceable by writ of mandamus to be obtained by the Minister out of the High Court.

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(4) Section 4 (Annual returns to Board of Trade) of the Act of 1881 and section 37 (Return to Board of Trade as to stock) of the Act of 1897 are hereby repealed.

20. The Commissioners may from time to time invest in any of the parliamentary stocks or public funds or government securities of the United Kingdom all or any capital money which shall have been raised by them by mortgage or by the creation and issue of stock and shall not for the time being be required for the purpose for which it shall have been raised and all money received on account of revenue and not for the time being required for meeting expenses on revenue account.

Power to invest.

PART IV.

MISCELLANEOUS.

21. The Commissioners may demand levy and recover in respect of passengers embarking or disembarking at any dock quay wharf pier jetty or other work of the Commissioners on or from any vessel and intending to be or having been carried in the vessel between any place in the port and any place beyond the port such tolls or charges as the Commissioners may from time to time determine but not exceeding two shillings and sixpence for each such passenger Provided that nothing in this section shall extend to authorise the Commissioners to demand levy or recover any toll or charge from any person when on duty in the service of the Crown.

Passenger tolls.

22.—(1) As from the passing of this Act the Commissioners shall (in lieu of any power vested in them to demand levy and recover the existing lightage rates and duties and buoys and beacons rates and

Harbour lights buoys and beacons dues.

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duties) be entitled in respect of the provision and maintenance of all or any lighthouses lights buoys and beacons for the time being provided or maintained by them to demand levy and recover on or in respect of all vessels coming into or going out of the port consolidated dues (to be called "harbour lights buoys and beacons dues") not exceeding the respective combined amounts of the existing lightage rates and duties and buoys and beacons rates and duties that is to say dues of the amounts set forth in the schedule to this Act respectively increased by amounts equal to fifty per centum of the respective amounts so set forth.

(2) Every due authorised by subsection (1) of this section shall be payable by the owner or master of the vessel in respect of which the due is demanded in addition to any other dues rates tolls or charges which the Commissioners may impose in respect of the vessel.

(3) In this section "the existing lightage rates and duties and buoys and beacons rates and duties" means the lightage rates and duties and the buoys and beacons rates and duties which at the passing of this Act the Commissioners are (by virtue of section 17 of the Act of 1886 and the two deeds of transfer each dated the eleventh day of October eighteen hundred and eighty-three and made between the master pilots and seamen of the Trinity House of Newcastle-upon-Tyne of the one part and the Commissioners of the other part) authorised to demand levy and recover under or in pursuance of the local Act 41 George III cap. 86 intituled "An Act for extending and enlarging the powers and increasing the rates and duties of the Corporation of the Trinity House of Newcastle-upon-Tyne and for better regulating the Port of Newcastle" as amended by section 2 of the Act of 1919.

Enforce-
ment and
recovery of
dues &c.

23. All the provisions of the existing Acts and of any Act incorporated with any of those Acts with respect to the enforcement collection and recovery of dues rates tolls or charges shall so far as appropriate apply and be available with respect to all dues tolls and charges which the Commissioners are by this Act authorised to demand collect or recover.

Powers as to
structures in
river.

24. After the passing of this Act no quay quay-wall wharf staith jetty pier dock entrance landing place bank breast work or other structure or work not authorised

by an Act of Parliament or Provisional Order confirmed by Parliament shall be constructed below high-water mark in upon over or under any part of the river except in accordance with plans and sections to be previously submitted to and approved by the Commissioners with or without modification or alteration and subject to such conditions as the Commissioners may deem necessary in the interests of navigation. A.D. 1929.

If the Commissioners shall not approve with or without modification or alteration or shall disapprove of any such plans or sections within two months from the date when the same shall have been first submitted to them or if the person who submitted the plans and sections shall be dissatisfied with any modification or alteration or disapproval by the Commissioners and shall notify his dissatisfaction and (in case of an approval with modification or alteration) the reasons therefor in writing to the Commissioners within twenty-eight days after the expiration of such period of two months a difference shall be deemed to have arisen between the Commissioners and that person and the difference shall be determined by an arbitrator to be appointed in default of agreement by the Board of Trade on the application in writing of either of the parties to the difference and the provisions of the Arbitration Act 1889 shall apply to any such arbitration :

Provided that nothing in this section shall affect any rights or powers of the Postmaster-General under the Telegraph Acts 1863 to 1926.

25. Subsections (2) and (3) of section 12 (Power to stop up footpaths) of the Act of 1920 are hereby repealed. As to Trow Quarry footpath.

26.—(1) For the purpose of preventing danger from fire or explosion in the event of an emergency arising from the escape of petroleum or petroleum spirit on the river or in the port the Commissioners may subject to confirmation by the Minister make regulations (to come into force from time to time on the declaration of an emergency as hereinafter provided) with respect to all or any of the following matters :— Prevention of fire &c.

- (i) the prohibition or extinguishment of all, or of such as may be ordered by the harbour master or chief officer of police of the Commissioners

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- open fires or naked lights on any vessel or on any quay wharf staith jetty pier or slipway or in any shipyard drydock or other work or on any bank wall or front of the river;
- (ii) the control of the movement of steam vehicles;
 - (iii) the prohibition of smoking;
 - (iv) the precautions to be observed for avoiding risk of fire or explosion by any person carrying on any work or operation;
 - (v) the prohibition or regulation of any other act or thing involving a risk of fire or explosion;

within the area which comprises the river and any buildings works waters and other premises adjoining the river and which area is hereinafter referred to as "the protected area."

(2) Regulations made under this section shall come into force from time to time on notice being given as hereinafter provided declaring that an emergency has arisen and on any such notice being given the regulations specified in the notice shall forthwith apply within the whole or part (as the case may be) of the protected area declared to be a danger zone and shall continue in force within the whole or such part of the protected area until the withdrawal of the notice.

(3) The Commissioners or the harbour master or the chief officer of police of the Commissioners if satisfied at any time that danger from fire or explosion exists by reason of the escape of petroleum or petroleum spirit in or on any part or parts of the river or the port may by notice given in accordance with this section declare that an emergency has arisen and that the whole or any part of the protected area shall be deemed to be a danger zone to which the regulations made under this section or any of those regulations which may be specified in the notice shall for the time being apply and the protected area or such part thereof (as the case may be) shall be deemed to be a danger zone until the withdrawal of such notice by the Commissioners on the expiration of the emergency.

(4) Any such notice shall specify the danger zone and the regulations applied thereto and shall be given in such manner as shall in the opinion of the Commissioners be sufficient.

(5) Any person contravening or failing to comply with any regulation in force under this section shall be guilty of an offence and in respect of each such offence shall be liable on summary conviction to a fine not exceeding fifty pounds : A.D. 1929.

Provided that it shall be a good defence to proceedings against any person for an offence under this section for such person to prove to the satisfaction of the court that he had no notice or knowledge of the fact that the place where the offence is alleged to have been committed was within an area declared to be a danger zone.

(6) Any officer of the Commissioners duly authorised in that behalf or any constable may for the purpose of securing observance of any regulations in force in a period of emergency enter upon any premises within a danger zone and any person neglecting or refusing to admit any such officer or constable or obstructing him in the execution of his duty shall be liable on summary conviction to a fine not exceeding ten pounds.

(7) Copies of any regulations made under this section shall be open to inspection free of charge at the head office of the Commissioners.

(8) In this section "petroleum" and "petroleum spirit" have the same meanings as in the Petroleum (Consolidation) Act 1928.

27. Section 66 (Withdrawal from candidature) of the Act of 1897 is hereby amended as follows :— Withdrawal
from
candidature
for election.

(a) the date the twenty-second day of September shall be substituted for the date the twenty-sixth day of September; and

(b) the words "on or before" shall be substituted for the words "within five days after."

28. Save as otherwise by this Act expressly provided all offences against this Act or any incorporated enactment and for the time being in force and all penalties forfeitures costs and expenses imposed or recoverable under this Act or any incorporated enactment may be prosecuted and recovered in a summary manner Provided that all costs and expenses except such as are Recovery of
penalties&c.

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Powers of Act cumulative.

29. All powers rights and remedies given to the Commissioners by this Act shall except where otherwise expressly provided be deemed to be in addition to and not in derogation of any other powers rights and remedies conferred on them by Act of Parliament charter law or custom and the Commissioners may exercise such other powers and be entitled to such other rights and remedies as if this Act had not been passed. Provided that no person shall incur more than one penalty (other than a daily penalty for a continuing offence) for the commission of the same offence.

Works below high-water mark not to be constructed without consent of Board of Trade.

30. The Commissioners shall not under the powers of this Act construct on under or over the shore or bed of the sea or of any creek bay arm of the sea or navigable river communicating therewith below high-water mark any work without the previous consent of the Board of Trade to be signified in writing under the hand of one of the secretaries or assistant secretaries of the Board of Trade and then only according to such plans and under such restrictions and regulations as the Board of Trade may approve of in writing under hand as last aforesaid and where any such work may have been constructed the Commissioners shall not at any time alter or extend it without obtaining previously to making any alteration or extension the like consent or approval. If any work be commenced altered extended or completed contrary to the provisions of this section the Board of Trade may abate and remove the work and restore the site thereof to its former condition at the cost and charge of the Commissioners and the amount of such costs and charges shall be a debt due from the Commissioners to the Crown and shall be recoverable either as a debt due to the Crown or summarily as a civil debt.

Abatement of work abandoned or decayed.

31.—(1) Where any work constructed by the Commissioners under the powers of this Act and situate wholly or partially on under or over the shore or bed of the sea or of any creek bay arm of the sea or navigable river communicating therewith below high-water mark is abandoned or suffered to fall into decay the Board of Trade may by notice in writing either require the Com-

missioners at their own expense to repair and restore such part of such work as is situate below high-water mark or any portion thereof or require them to abate or remove the same and restore the site thereof to its former condition to such an extent and within such limits as the Board of Trade may think proper.

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(2) Where any part of any such work which has been abandoned or suffered to fall into decay is situate above high-water mark and is in such condition as to interfere or to cause reasonable apprehension that it may interfere with the right of navigation or other public rights over the foreshore the Board of Trade may include any such part of such work or any portion thereof in any notice under this section.

(3) If during the period of thirty days from the date when the notice is served on the Commissioners they have failed to comply with such notice the Board of Trade may execute the works required to be done by the notice at the expense of the Commissioners and the amount of such expense shall be a debt due from the Commissioners to the Crown and shall be recoverable either as a debt due to the Crown or summarily as a civil debt.

32. If at any time the Board of Trade deem it expedient for the purposes of this Act to order a survey and examination of any work constructed by the Commissioners under the powers of this Act and situate on under or over tidal waters or tidal lands below high-water mark or of the site upon which it is proposed to construct any such work the Commissioners shall defray the expense of the survey and examination and the amount thereof shall be a debt due from the Commissioners to the Crown and shall be recoverable either as a debt due to the Crown or by the Board of Trade summarily as a civil debt.

Survey of works by Board of Trade.

33. Except as is by this Act expressly provided nothing in this Act shall take away lessen prejudice alter or affect any of the estates lands property and effects of the lord mayor aldermen and citizens of the city and county of Newcastle-upon-Tyne or any of the tolls rates dues duties issues profits or other income whatsoever of or payable to that corporation or any of the powers

For protection of Newcastle-upon-Tyne Corporation.

A.D. 1929. — authorities franchises customs usages immunities rights or privileges of that corporation.

For protection of Tynemouth Corporation.

34. Save as in this Act otherwise provided nothing in this Act shall in any manner prejudice diminish alter or take away any of the rights or privileges or any power jurisdiction or authority now vested in or enjoyed by the mayor aldermen and burgesses of the county borough of Tynemouth but all such rights and privileges and every such power jurisdiction and authority shall save as aforesaid continue and be in force as if this Act had not been passed.

For protection of London and North Eastern Railway Company.

35. Notwithstanding anything in the section of this Act of which the marginal note is "General powers as harbour and conservancy authority" the Commissioners shall not without the consent of the London and North Eastern Railway Company exercise any of the powers therein contained on any part of Jarrow Slake or at or near the said railway company's staiths at Dunston and West Dunston unless and until the Commissioners have obtained an Act or Order for the purpose. Provided that nothing in this section shall in any way abrogate or lessen any rights powers or privileges vested in the Commissioners under any of the existing Acts.

For protection of Duke of Northumberland.

36.—(1) Notwithstanding anything in the section of this Act of which the marginal note is "General powers as harbour and conservancy authority" the provisions of section 11 of the Tyne Improvement Act 1867 and section 5 of the Tyne Improvement Act 1872 shall remain in full force and effect.

(2) Nothing in this Act shall affect prejudicially any estate right title claim power privilege or property of the most noble Alan Ian Duke of Northumberland K.G. or his successors in title in or to the bed and soil banks and shores of the river Tyne or any part thereof.

Crown rights.

37. Nothing in this Act affects prejudicially any estate right power privilege or exemption of the Crown and in particular nothing herein authorises the Commissioners to take use or in any manner interfere with any portion of the shore or bed of the sea or of any river channel creek bay or estuary or any land hereditament subjects or rights of whatsoever description belonging to

His Majesty in right of His Crown and under the management of the Commissioners of Crown Lands or of the Board of Trade respectively without the consent in writing of the Commissioners of Crown Lands or the Board of Trade as the case may be on behalf of His Majesty first had and obtained for that purpose.

A.D. 1929.

38. All money necessary for carrying this Act into effect and payable by the Commissioners and all the costs charges and expenses of and preliminary and incidental to the preparing obtaining and passing of this Act shall be provided and paid by the Commissioners out of the Tyne Consolidated Fund.

Expenses of
execution
and costs of
Act.

A.D. 1929.

The SCHEDULE referred to in the
foregoing Act.**HARBOUR LIGHTS BUOYS AND BEACONS DUES.**

ON VESSELS COMING INTO OR GOING OUT OF THE PORT.

	<i>s.</i>	<i>d.</i>
For every vessel having a registered tonnage not exceeding 50 tons - - - - -	1	3
For every vessel having a registered tonnage exceeding 50 tons but not exceeding 100 tons - - - - -	1	8
For every vessel having a registered tonnage exceeding 100 tons but not exceeding 200 tons - - - - -	2	0
For every vessel having a registered tonnage exceeding 200 tons but not exceeding 300 tons - - - - -	2	4
For every vessel having a registered tonnage exceeding 300 tons - - - - -	2	8

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